

8/10/2020 5:00 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

For Online Publication Only

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER WILLIAMS,

Plaintiff,

-against-

ANDREW SAUL, COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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AZRACK, United States District Judge:

On July 30, 2020, Christopher Williams (“plaintiff”) commenced this action against Andrew Saul, the Commissioner of Social Security, (“defendant”) seeking review of the decision of the Administrative Law Judge pursuant to section 205(g) and/or section 1631(c)(3) of the Social Security Act, as amended, 42 U.S.C. § 405(g) and/or § 1383(c)(3). Accompanying the complaint is an application to proceed in forma pauperis. (See ECF No. 3.) For the reasons that follow, plaintiff’s application to proceed in forma pauperis is denied without prejudice and with leave to renew upon filing the enclosed “Application to Proceed in District Court without Prepaying Fees or Costs (Long Form)” (AO 239). Alternatively, plaintiff may pay the \$400.00 filing fee.

Plaintiff reports having no sources of income other than public assistance. (See ECF NO. 3-1, ¶¶ 5, 8-9.) Plaintiff indicates monthly income from the Nassau County Department of Social Services in the amount of \$183.00 and \$194.00 in monthly Supplemental Nutrition Assistance Program (“SNAP”) benefits. (Id. ¶¶ 6-7.) Plaintiff reports that he does not have a checking or savings account and has no assets, including real estate, stocks, bonds, notes or other valuable property. (Id. ¶ 12.) Although plaintiff provides a residential address, he has not included any

expenses associated therewith, such as monthly rent or mortgage payments, utilities, insurance, taxes, etc.

Given that the responses provided by plaintiff raise more questions than they answer, the Court finds that plaintiff can best set forth his current financial status on the enclosed “Application to Proceed in District Court without Prepaying Fees or Costs (Long Form)” (AO 239) (“Long Form”). Plaintiff’s application to proceed in forma pauperis is denied without prejudice and with leave to renew upon filing the Long Form within twenty (20) days from the date of this Order. Alternatively, plaintiff may remit the \$400.00 filing fee. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the complaint without prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: August 10, 2020
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE